

CASE IA/3-22334/PCT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF  
JONATHAN HUGHES ET AL  
INTERNATIONAL APPLICATION NO. PCT/EP 03/08427  
FILED: JULY 30, 2003  
FOR: PRODUCTION OF A FERMENTATION  
PRODUCT

Group Art Unit: 1797  
Examiner: Hruskoci, Peter A

U.S. APPLICATION NO: 10/523,301  
35 USC 371 DATE: JANUARY 31, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Terminal Disclaimer over U.S. App. No. 10/587,583 (37 CFR 1.321(c))**

Sir:

I, Shiela A. Loggins , represent that I am the Agent of record for this invention.

Ciba Corporation, a corporation organized and existing under the laws of the State of Delaware, represents that it is the owner of the entire interest in the present application No. **10/ 523,301** by virtue of an assignment recorded July 7, 2008, reel/frame 021224/0375 in the United States Patent and Trademark Office.

Ciba Specialty Chemicals Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on application No. **10/ 523,301** would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of the U.S. Patent issued on app. No. **10/587,583** , filed January 20, 2005, the patent application forming the basis of the double patenting rejection. The owner hereby agrees that any patent so granted on application No. **10/523,301** shall be enforceable only for and during such period that it and the patent issued on U.S. app. No. **10/587,583** are commonly owned, this agreement to run with any patent

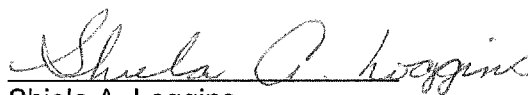
granted on application No. **10/523,301** and to be binding upon the grantee, its successors and assigns.

Said U.S. Patent application No. **10/587,583** is also entirely assigned to Ciba Specialty Chemicals Corporation by virtue of an assignment recorded May 10, 2007 reel/frame-019301/0447 in the United States Patent and Trademark Office.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on application No. **10/523,301** that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent issued from application No. **10/587,583**, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term.

Signed at Tarrytown, New York, this 30<sup>th</sup> day of, March 2009.

By:



Shiela A. Loggins  
Registration No.56, 221  
Agent of Record

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